

Offered: 4/10/87  
Referred: Rules

5-0657X

Original sponsors: Zharoff, Eliason,  
Josephson, et al.

1 IN THE SENATE BY THE FINANCE COMMITTEE  
2 HOUSE CS FOR SENATE BILL NO. 131 (Finance)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL  
6 For an Act entitled: "An Act regulating the sale and use of TBT-based  
7 marine antifouling paints and coatings; and providing  
8 for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. AS 16.05.450(b) is amended to read:

11 (b) The Commercial Fisheries Entry Commission shall issue a  
12 vessel license under AS 16.05.490 to each qualified vessel for which a  
13 written application has been filed, at a place in the state designated  
14 by the commission. An application shall contain a statement by the  
15 applicant that the vessel has not been painted in violation of AS 46.-  
16 03.715. An application shall contain other [ , CONTAINING THE] reason-  
17 able information required by the commission together with the required  
18 fee. The application shall be simple in form and shall be executed by  
19 the applicant under the penalty of perjury.

20 \* Sec. 2. AS 46.03.020 is amended by adding a new paragraph to read:

21 (13) inspect the premises of sellers and suppliers of paint,  
22 vessels, and marine and boating supplies, and take other actions  
23 necessary to enforce AS 46.03.715.

24 \* Sec. 3. AS 46.03 is amended by adding a new section to read:

25 Sec. 46.03.715. SALE AND USE OF TBT-BASED ANTIFOULING PAINT.  
26 (a) Except as otherwise provided in this section, a person may not  
27 sell or use TBT-based marine antifouling paint or coating in the  
28 state, nor may a person sell, rent, or lease in the state, or import  
29 into the state, or use in state water, a vessel, fishing gear, or

1 other item intended to be partially or completely submerged in water,  
2 if the vessel, gear, or item has been painted or treated with  
3 TBT-based marine antifouling paint or coating.

4 (b) TBT-based marine antifouling paint or coating need not be  
5 removed from fishing gear, or from a vessel or other item that was  
6 painted or treated before December 1, 1987, but the vessel, gear, or  
7 item may not be repainted or retreated with TBT-based marine antifoul-  
8 ing paint or coating. Fish culture or capture nets treated with  
9 TBT-based marine antifouling coating before December 1, 1987, may not  
10 be used in state water on or after December 1, 1992.

11 (c) Notwithstanding other provisions of this section, slow-  
12 leaching TBT-based marine antifouling paint may be imported into and  
13 sold in the state. A slow-leaching TBT-based marine antifouling paint  
14 may be applied in the state only to aluminum vessel hulls. Aluminum  
15 vessel hulls to which a slow-leaching TBT-based marine antifouling  
16 paint has been applied may be imported into and sold, rented, leased,  
17 or used in the state.

18 (d) This section does not apply to

- 19 (1) a vessel of the United States government;  
20 (2) a foreign vessel in state water fewer than 90 days in a  
21 12-month period; or  
22 (3) a vessel of 4,000 gross tons or more.

23 (e) In this section

- 24 (1) "slow-leaching TBT-based marine antifouling paint"  
25 means a TBT-based marine antifouling paint, but not a coating or other  
26 treatment, that has a measured release rate equal to or less than 3.0  
27 micrograms per square centimeter per day at steady state conditions  
28 determined under the U.S. Environmental Protection Agency testing  
29 procedure, as outlined in the agency's call-in notice of July 29,

1 1986, on tributyltin in antifouling paints under 7 U.S.C. 35 - 36y  
2 (the Federal Insecticide, Fungicide, and Rodenticide Act);

3 (2) "TBT-based marine antifouling paint or coating" means a  
4 paint, coating, or treatment that contains tributyltin, or a tri-  
5 organotin compound used as a substitute for tributyltin, and that is  
6 intended to control fouling organisms in a fresh water or marine  
7 environment;

8 (3) "vessel" means watercraft used or capable of being used  
9 as a means of transportation on water, including

10 (A) aircraft equipped to land on water; and

11 (B) barges.

12 \* Sec. 4. Notwithstanding AS 46.03.715, as enacted by sec. 3 of this  
13 Act, after the effective date of this section a person may not import into  
14 the state a TBT-based marine antifouling paint or coating other than a  
15 slow-leaching TBT-based marine antifouling paint, except that paint or  
16 coatings that have been ordered from a source outside of the state before  
17 the effective date of this section may be imported into the state before  
18 December 1, 1987.

19 \* Sec. 5. Sections 1 - 3 of this Act take effect December 1, 1987.

20 \* Sec. 6. Section 4 of this Act takes effect immediately under AS 01.-  
21 10.070(c).